

# Planning Board Minutes

August 27, 2012

## CALL TO ORDER

### INVOCATION

Mr. San Miguel gave the invocation.

### FLAG SALUTE

Norbert Ayvazian and Dina Melkonian led the flag salute.

### ROLL CALL

Present- - - -

Planning Board Members Vahe Hovanessian, Chair, Kimberly Jo, Vice Chair, Doug Drake, Undine Petrulis and Kenneth San Miguel

Absent- - - -

None.

Also Present-

Joe McDougall, Senior Asst City Attorney, Patrick Prescott, Acting City Planner, Jesse Brown, Senior Planner, Tracy Steinkruger, Senior Planner, Abo Velasco, Associate Planner, Nikki Cavazos, Assistant Planner and Martin Potter, Planning Technician

## ANNOUNCEMENTS

Mr. Prescott announced that staff provided the Board with a memo and a Mitigated Negative Declaration for a proposed project that would be before the Board on September 10, 2012. (staff wanted to provide the Board with additional time to review the document)

## HEARINGS

75 East Santa Anita  
Avenue | Project No.  
11-0005018 - City  
Planner Classification,  
Conditional Use  
Permit, Variance,  
Development Review,  
and Parking  
Determination

Staff recommends Planning Board approval of a City Planner Classification, Conditional Use Permit, Variance, Development Review, and Parking Determination to operate a community youth center including a gym, basketball court, and offices and to construct a 3,509 square foot second story within the envelope of the existing building. (Planner Nikki Cavazos)

### **Meeting Disclosures**

Note

### **Notices Given**

Mr. Prescott affirmed that the notices had been given as required by

law and noted that the community Development Department received correspondence that was provided to the Board this evening.

### **Staff Presentation**

Ms. Cavazos presented this item to the Board.

### **Applicant Presentation**

Ms. Yepremian, described the nature of the proposed business. She mentioned that they reached out to the community and received signatures in support of the project. She inquired about modifying Condition Of Approval (COA) No. 4 to extend the hours of operation. She asked the Board for their support for the proposed project.

### **Public Testimony**

Mr. Hovanessian announced a number of speakers (totaling 80 speakers) that filled out speakers cards to note their support for the proposed project, however, they did not want to speak before the Board.

Mr. Khachatourian, on behalf of Armenian National Community of America, Mr. Aghakhanian, member of Community Development Goals Committee, Ms. Gharihian, Executive Assistant for Homenetmen, Ms. Ohanian, resident, Ms. Kossakian, member of Armenian Youth Federation, Mr. Boyajian, President of Armenian Culture Foundation, Ms. Chalian, member of the Armenian Relief Society, and Ms. Arakelian, a Scout member, expressed their support for the proposed project. They asked the Board for their approval.

### **Applicant Response**

Ms. Yepremian noted that she was in favor of staff's recommendation and the COA. She stated that she was available to answer any questions from the Board.

Mr. Hovanessian confirmed with Ms. Yepremian the modification to the proposed hours of operation to COA No. 4.

### **Deliberations**

Ms. Petrulis stated that she was in favor of the proposed project being located in a commercial manufacturing zone, the shared parking agreement, the proposed project's hours of operation not conflicting with the adjacent properties, adequate street parking, and the proposed project being an asset to the community. She stated that she could make the findings for approval and therefore she would support the proposed project.

Ms. Jo stated that she concurred with Ms. Petrulis. She noted that she was in favor of the COA and the shared parking agreement. She inquired about adequate lighting being provided in the parking lot.

Mr. Prescott confirmed for Ms. Jo that COA No. 33 requires that the exterior of the premises provide adequate lighting.

Mr. Drake stated that he believed this would be an ideal location for the proposed project and a great addition to the community. He noted that he does not have a problem with the proposed parking agreement. He stated that he would support the proposed project.

Mr. San Miguel noted that he would support the project.

Vahe Hovanesian, Chair moved to amend COA No. 4 to **Basketball Court hours** 9 am to 11 pm Saturday and Sunday, **Gym hours** 5 pm to 11 pm Monday through Friday, and 9 am to 11 pm Saturday and Sunday, seconded by Doug Drake, carried by a vote 5-0.

Vahe Hovanesian, Chair moved to approve 'A Resolution of the Planning Board of the City of Burbank Approving Project No. 11-000-5018 City Planner Classification, Conditional Use Permit, Variance, Development Review, and Parking Determination,' as amended by the Board, seconded by Kimberly Jo, Vice Chair, carried by a vote 5-0.

[2415 West Magnolia  
Boulevard| Project No.  
12-0003989 -  
Variance](#)

Staff recommends Planning Board approval of a Variance for a pre-school with up to 40 children to operate with a parking deficit of eight parking spaces. (Planner Abo Velasco)

### **Meeting Disclosures**

None

### **Notices Given**

Mr. Prescott affirmed that the notices had been given as required by law and noted that the Community Development Department received correspondence that was provided to the Board this evening.

### **Staff Presentation**

Mr. Velasco presented this item to the Board.

### **Applicant Presentation**

Rabbi Kornfeld described the nature of the proposed project. He mentioned that the proposed project would not pose a negative impact in the community. He asked the Board for their support on the proposed project.

**Public Testimony**

Mr. Hovanessian announced a number of speakers (totaling 21 speakers) that filled out speaker cards to note their support for the proposed project, however, they did not want to speak before the Board.

Ms. Olson stated that she believed the proposed project would be an asset to the community, however, she expressed the following concerns: pick up and drop off being located on Magnolia Boulevard, additional traffic impacts, potential pedestrian crosswalks, and safety precautions.

Ms. Sherman, Ms. Malki, Mr. Spalding, Mr. Aghakhanian, Mr. Radin, Mr. Marcus, Mr. Ptalis, and Dr. Prilutsky, expressed their support for the proposed project and asked the Board for their approval.

Ms. Kornfeld described the nature of her position within the organization. She asked the Board for their support.

**Applicant Response**

None

**Staff's Response**

Mr. Velasco clarified for the Board that the pre-school was in operation October 2011 through June 2012 and that staff has not received any complaints regarding parking impacts, traffic impacts, or safety concerns. He mentioned that staff would discuss the request for crosswalks with the Public Works Department.

**Board/Staff Q & A**

The Board expressed concern about the applicant operating the pre-school without complying with the COA from the previous Administrative Use Permit (AUP) requiring a parking covenant.

Mr. Prescott explained that staff was not aware that the applicant was operating the pre-school without meeting the COA. Staff was made aware of the applicant not being in compliance with the COA during conversation with the applicant and they moved forward with the Variance application to resolve the issue.

Mr. Prescott described the AUP process for Mr. Hovanessian.

Mr. McDougall confirmed for Ms. Jo that the Board could propose an ongoing COA that would require the applicant to show proof that they have a lease agreement.

The Board continued to express concern about the pre-school being able to operate without a lease agreement or a covenant in place.

Mr. Prescott clarified for Mr. Hovanessian that the lease agreement is not required to be submitted as part of the application in order to consider the application complete because one of the COA in the AUP requires a covenant agreement.

Discussion revolved around the AUP process, the lease agreement, and the proposed project operating the pre-school without a parking covenant as stated in the COA.

Mr. McDougall explained that in relation to Ms. Jo's question about proposing a COA to require the applicant to show proof of a lease agreement; the Board could amend COA No. 4 to allow the applicant to operate the Chabad provided that they have a lease agreement.

Discussion revolved around amending COA No. 4.

Rabbi Kornfeld confirmed for Mr. Hovanessian that they have a written lease agreement for eight parking spaces, with an option to renew every 12 months. He confirmed that the pre-school would not operate while the Chabad is holding an activity. He explained that he is not opposed to the proposed COA being in place, however, it would not be necessary.

Rabbi Kornfeld reviewed the layout for the drop off and pick up area. Ms. Kornfeld confirmed that she and another teacher would be working together to escort the children into the pre-school.

Ms. Petrulis inquired about placing a COA that would require the applicant to come back after one year for review.

Mr. McDougall confirmed for Ms. Petrulis that the Board could not place a COA for a one year review.

### **Deliberations**

Ms. Petrulis stated that she could see the benefit of the proposed project, however, she expressed concern with granting a Variance for parking spaces that do not technically exists, safety concerns, and sharing six existing parking spaces with the two adjacent businesses. She noted that she was having difficulties making the findings to approve the proposed project.

Mr. Hovanessian expressed concern about the AUP process and the AUP being granted without proof of a covenant or signed lease

agreement between the applicant and other property owners.

Discussion revolved around whether a deficiency letter was sent to the applicant when staff was made aware that they did not meet the COA for the AUP.

Mr. Hovanessian continued to express concern about the proposed business operating without complying with the COA. He mentioned that he is not going to hold this against the children at the pre-school and therefore, stated that he could make the findings to approve the proposed project.

Mr. Drake stated that the speakers' testimonies helped him with his decision to support the project.

Ms. Jo explained that she initially had safety and traffic concerns due to the number of children attending the pre-school however, after testimony this evening she was made aware that the 40 children will not attend school at one time. She explained that based on her calculations of the parking spaces she would support the proposed project. She suggested amending COA No. 6 to read two pre-school staff members shall be present at the drop off and pick up areas.

Mr. San Miguel advised Rabbi Kornfeld to look into obtaining a parking covenant. He stated that he does not have any issues and therefore, he would support the proposed project.

Kimberly Jo, Vice Chair moved to approve COA No. 6 to read two pre-school staff members shall be present at the drop off and pick up areas to escort the children into the pre-school in order to expedite the process and ensure the safety of the children, seconded by Doug Drake, carried by a vote 5-0.

Mr. McDougall suggested for Ms. Petrulis that COA No. 4 could remain as is and the Board could add "this COA shall not apply when the applicants provide proof of a lease agreement for nine additional off-site parking spaces within 300 feet of the subject property pursuant to the City's off-site parking requirements.

Undine Petrulis moved to amend COA No. 4 as noted by Mr. McDougall, seconded by Kimberly Jo, Vice Chair, carried by a vote 4-1.

Prior to the vote Mr. Hovanessian stated that he does not foresee the need for the proposed motion. He mentioned that Rabbi Kornfeld confirmed that the pre-school and the Chabad would not be used at the

same time and COA No. 4 also addresses that concern.

Ms. Jo explained that she believed the proposed condition would pose as a safety net for the applicant just in case they decide to run both the pre-school and the Chabad at the same time.

Mr. McDougall clarified for the Board that the proposed COA would be the Board's nexus to encourage the applicant to maintain a parking lease agreement.

Prior to the vote Ms. Petrulis explained after Ms. Jo's analysis about the parking and the applicant's testimony, she would support the project.

Vahe Hovanessian, Chair moved to approve 'A Resolution of the Planning Board of the City of Burbank Approving Project No. 12-0003989, Variance,' as amended by the Board, seconded by Kimberly Jo, Vice Chair, carried by a vote 5-0.

#### ORAL COMMUNICATIONS

Mr. Kornfeld asked the Board not to hold staff accountable for their wrong doing.

#### REPORTS

##### Comprehensive Update to the Zoning Use List - Project No. 12-0000482 - Zone Text Amendment

The purpose of this report is to provide the Planning Board with an update on the comprehensive update to the Zoning Use List.

##### **Staff Presentation**

Mr. Potter presented this item to the Board.

Mr. Potter explained for Mr. Hovanessian that the majority of the changes involved de-coupling some of the uses that were proposed to be consolidated, for example: churches, department stores, and wholesale business with no warehousing.

The Board noted and filed the report.

#### APPROVAL OF MINUTES

Doug Drake moved to approve the minutes of August 13, 2012, seconded by Undine Petrulis, carried by a vote 5-0.

#### ITEMS FROM THE PLANNING BOARD

Ms. Jo and Mr. Hovanessian asked staff if they followed up on the concerns that were raised at the previous Planning Board meeting.

Mr. Prescott confirmed that he discussed the concerns stated at the previous Planning Board hearing with the Police Department's, Parking Enforcement office and they explained that they would patrol

the area (they also urged residents to call Parking Enforcement if they have any concerns with illegal parking), and he discussed Lincoln Street being used to access Disney Studios with the City of Burbank's, Public Works, Traffic Engineer. He explained that the City Traffic Engineer would look into the concerns and suggestions to the Traffic Commission for consideration.

CITY PLANNER  
COMMENTS

ADJOURNMENT TO  
PLANNING BOARD  
MEETING OF  
SEPTEMBER 10,  
2012

Mr. Prescott announced a small modification to the Hearing Script.

9:50 p.m.

Respectfully Submitted,

Secretary of the Planning Board